

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3365

To amend title 18, United States Code, to protect the personal privacy and safety of licensed drivers, taking into account the legitimate needs of government and business.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 1993

Mr. MORAN (for himself, Mr. FRANK of Massachusetts, Ms. PELOSI, Mr. TOWNS, Mr. SCOTT, Ms. BYRNE, and Mrs. MORELLA) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to protect the personal privacy and safety of licensed drivers, taking into account the legitimate needs of government and business.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Driver’s Privacy Pro-  
5 tection Act of 1993”.

6 **SEC. 2. PROHIBITION ON RELEASE OF CERTAIN PERSONAL**  
7 **INFORMATION BY STATES.**

8 (a) IN GENERAL.—Title 18, United States Code, is  
9 amended by inserting after chapter 121 the following:

1    **“CHAPTER 123—PROHIBITION ON RELEASE OF**  
2    **CERTAIN PERSONAL INFORMATION BY STATES**

“Sec.

“2721. Prohibition on release of certain personal information by States.

“2722. Additional unlawful acts.

“2723. Penalties and remedies.

“2724. Effect on State and local law.

“2725. Definitions.

3    **“§ 2721. Prohibition on release of certain personal in-**  
4                   **formation by States**

5           “(a) IN GENERAL.—It shall be unlawful for any per-  
6 son or other entity to disclose personal information derived  
7 from an individual’s motor vehicle records to any other  
8 person or entity, other than to the individual, except as  
9 permitted under this chapter.

10          “(b) EXCEPTIONS.—Personal information referred to  
11 in subsection (a) of this section may be disclosed for any  
12 of the following uses:

13                  “(1) For use by any Federal or State court in  
14 carrying out its functions.

15                  “(2) For use by any Federal or State agency in  
16 carrying out its functions.

17                  “(3) For use in connection with matters of  
18 automobile and driver safety, including manufactur-  
19 ers of motor vehicles conducting a recall of motor ve-  
20 hicles.

21                  “(4) For use in the normal course of business  
22 by a legitimate business (including an insurer or in-

1       surance support organization) or its agents or em-  
2       ployees or contractors, but only—

3               “(A) to verify the accuracy of personal in-  
4       formation submitted by the individual to the  
5       business; and

6               “(B) if such information as so submitted  
7       was not correct, to obtain the correct informa-  
8       tion, but only for the purpose of pursuing rem-  
9       edies against an individual who provided false  
10      information or presented a check or similar  
11      item that was not honored.

12              “(5) For use in any civil or criminal proceeding  
13      in any Federal or State court.

14              “(6) For use in research activities, if the motor  
15      vehicle department determines that such personal in-  
16      formation will not be used to solicit the individual  
17      and that the individual is not identified or associated  
18      with the requested information.

19              “(7) For use in marketing activities, if the  
20      motor vehicle department—

21               “(A) has provided in a clear and conspicu-  
22      ous manner to the individual an opportunity to  
23      prohibit such disclosure;

24               “(B) has received assurances that the in-  
25      formation will be used, rented, or sold solely for

1 a permissible use under this chapter, including  
2 marketing activities; and

3 “(C) has received assurances that each en-  
4 tity that sells or uses the information so ob-  
5 tained keeps complete records identifying each  
6 purpose for which the information is used and  
7 each organization that receives the information.

8 “(8) For purposes of reselling the personal in-  
9 formation for a permissible use under paragraph (7)  
10 of this subsection, but only if each person or other  
11 entity that sells or uses the information so obtained  
12 keeps complete records identifying—

13 “(A) each purpose for which the informa-  
14 tion is used; and

15 “(B) each person or other entity that re-  
16 ceives the information.

17 “(9) For use by any insurer or insurance sup-  
18 port organization, or its employees, agents, and con-  
19 tractors, but only in connection with claims inves-  
20 tigation activities or antifraud activities.

21 “(c) WAIVER PROCEDURES.—(1) Each State shall  
22 establish and carry out procedures under which—

23 “(A) an individual to whom the information  
24 pertains may authorize the agency to disclose such  
25 information; and

1           “(B) any motor vehicle department of the State  
2           may enter into an agreement with any business (in-  
3           cluding an insurer or insurance support organiza-  
4           tion) or its agents, employees, or contractors, based  
5           upon a certification that the business has obtained  
6           or will have obtained consent from the individual to  
7           whom the information pertains, to obtain requested  
8           personal information from such department.

9           “(2) Any State department of motor vehicles, upon  
10          receiving a request for personal information referred to  
11          in subsection (a) of this section, other than for a use re-  
12          ferred to in subsection (b) of this section, shall, if such  
13          request is not accompanied by a waiver in accordance with  
14          paragraph (1) of this subsection, mail, within 10 days fol-  
15          lowing the receipt of such request, a copy of that request  
16          to the individual concerning whom the personal informa-  
17          tion was requested informing such individual of the re-  
18          quest, together with a statement to the effect that such  
19          information will not be released unless the individual  
20          waives such individual’s right to confidentiality under this  
21          section.

22       **“§ 2722. Additional unlawful acts**

23           “(a) PROCUREMENT FOR UNLAWFUL PURPOSE.—It  
24          shall be unlawful for any person knowingly to obtain or  
25          use personal information, derived from a motor vehicle

1 record, for any purpose not described in section 2721(b)  
2 of this title.

3 “(b) FALSE REPRESENTATIONS; UNLAWFUL DIS-  
4 TRIBUTION.—It shall be unlawful for any person to make  
5 any false representation to obtain or use any personal in-  
6 formation derived from an individual’s motor vehicle  
7 record.

8 **“§ 2723. Penalties and remedies**

9 “(a) WILLFUL VIOLATIONS BY NON-GOVERNMENTAL  
10 ENTITIES.—Any person or other entity (other than a  
11 State or agency thereof) that willfully violates this chapter  
12 shall be fined under this title or imprisoned not more than  
13 1 year, or both.

14 “(b) NONWILLFUL VIOLATIONS BY NON-GOVERN-  
15 MENTAL ENTITIES.— Any person or other entity (other  
16 than a State or agency thereof) that violates this chapter  
17 shall be subject to a civil penalty in an amount not to  
18 exceed \$5,000.

19 “(c) VIOLATION BY GOVERNMENTAL ENTITIES.—If  
20 a State or agency thereof willfully violates this chapter,  
21 the State shall be subject to a civil penalty in the amount  
22 of \$10,000. Each day of continued noncompliance by the  
23 State shall constitute a separate violation.

1 **“§ 2724. Effect on State and local law**

2 “A State or local government may prohibit conduct  
3 that is permitted in the exceptions set forth in section  
4 2721(b) of this title.

5 **“§ 2725. Definitions**

6 “As used in this chapter—

7 “(1) the term ‘personal information’ means an  
8 individual’s name, address, telephone number, social  
9 security number, driver’s identification number,  
10 medical and disability information, photograph, or  
11 other information that identifies a particular individ-  
12 ual;

13 “(2) the term ‘State’ includes the District of  
14 Columbia, Puerto Rico, and any other possession or  
15 territory of the United States; and

16 “(3) the term ‘motor vehicle record information’  
17 means—

18 “(A) information about who is licensed to  
19 drive vehicles on the public highways, including  
20 any personal information about the licensed  
21 driver that is maintained as part of, or is asso-  
22 ciated with, a listing of who is so licensed;

23 “(B) registration information about a  
24 motor vehicle; and

25 “(C) information about violations of traffic  
26 laws and similar information kept about a li-

1           censed driver in connection with the operations  
2           of a governmental authority that controls such  
3           licensing.”.

(B) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 121 the following new item:

**“123. Prohibition on Release of Certain Personal Information by States ..... 2721”.**

